



ORIGINAL PAPER

Cohabitation as a Problem of the Romanian Semi-presidentialism

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Abstract:

The paper aims to present by comparison the role of the two Romanian Presidents, Traian Băsescu and Klaus Iohannis, in the four spells of *cohabitation* occurred in Romania since 1990, both in situations of parliamentary majorities controlled by the Prime Ministers (*divided majority*) and of parliamentary minority represented by the Prime Minister (*divided minority*). As such, the paper focuses on the modalities in which the Presidents refused to cohabit and attended to prevent the *cohabitation* with Prime Ministers and governments coming from different political parties, after an analysis of the cohabitation category in semi-presidentialism. It mainly focuses on the types of strong intra-executive conflicts so generated and manifested as struggles over the control of the executive branch through obstructive or antagonistic behaviours. The assumption of this approach is that these behaviors of refusing cohabitation or of high level intra-executive conflicting are illustrative for different degrees of presidentialization of Romanian politics in all its three faces, namely of increasing leadership power resources and autonomy providing “a larger sphere of action” and assuring the protection “from outside interference”.

Keywords: *cohabitation; divided majority; divided minority; intra-executive conflict; presidentialization of politics*

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Cohabitation and constitutional witchcraft

The cohabitation reflects the mixed nature of semi-presidential system or its defining feature: the dual executive authority. The dual authority structure is established in the semi-presidential constitutions as a “two-headed configuration” or a “diarchy between a president, the head of state, and a prime minister that heads the government” (Sartori, 1994: 122). In the purely constitutional definition, “semi-presidentialism is the situation where a constitution makes provision for both a directly elected fixed-term president and a prime minister and cabinet who are responsible to the legislature” (Elgie, 2010: 29). Sartori highlights that the two heads are *unequal* and *in oscillation* among themselves and that by custom (the conventions of the constitutions or the material constitution) the “first head” is the president, by law (the written text of the constitution, the formal constitution) the “first head” is the prime minister. The oscillations among them reflect the majority status of one over the other (Sartori, 1994: 123). Thus, another defining feature of semi-presidentialism is the *flexible* character of the dual authority structure, of “bicephalous executive, whose ‘first head’ changes (oscillates) as the majority combinations change” (Sartori, 1994: 125). In situations of unified or consolidated majority (named by Pasquino *duet* of the president and the prime minister) the president prevails over the prime minister, having thus the possibility to become an “imperial” president, namely to be “recognized leader of the parliamentary majority” and, therefore, to “cumulate executive and legislative power,” to concentrate of power which can lead to the risky of hyper-presidentialialism (Pasquino, 2007: 24). The constitution that applies in these situations is the material one (the conventions of the constitution). In situations of split or divided majority (according to Pasquino, the *duel* between the president and the prime minister) prevails the prime minister, supported by his own parliamentary majority. The constitution that applies is the formal one that supports his claim to govern on his own right (Sartori, 1994: 125).

The split or divided majorities, or the situations where the majority that elects the president is not the majority that controls parliament, determine *cohabitation*. More precisely, a situation of cohabitation is defined “as resulting when: (1) The president and the prime minister opposing parties; and (2) The president’s party is not represented in the cabinet” (Samuels and Shugart, 2009: 14, Elgie, McMenamin, 2010: 1; Elgie, 2010: 45) or “where opposing parties separately control the president and prime minister or government...” (Tsai, n. d.: 3). Being overwhelmingly the result of elections – whose legitimacy is the ground of democracy – cohabitation “is likely to be seen as a legitimate element” of the electoral process, “albeit perhaps an unwanted one” (see Elgie & McMenamin, 2010: 15).

Table 1. Three electorally generated subtypes within semi-presidentialism

Subtype 1: CONSOLIDATED MAJORITY	Subtype 2: DIVIDED MAJORITY	Subtype 3: DIVIDED MINORITY
President and PM have same majority in legislature. (“full authority”)	PM has majority, president does not. (“cohabitation”)	Neither president nor PM has majority. (fragmented authority)

Source: Cindy Skach, C. (2007: 101). Retrieved from: <http://icon.oxfordjournals.org>

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Whether cohabitation is considered legitimate, then the main political actors are likely to work within the constitutional framework and not to undermine it (Elgie & McMenamin, 2010: 15) and whether cohabitation is regarded as normal result of semi-presidentialism, then there is likely a “peaceful coexistence” between the president and the premier (Chang, 2014: 32). If the president does not accept the will of the legislature to co-exist with a political opponent, he can resort, “if the constitution allows,” to the stratagem “to defy the legislature and dismiss the head of government in the knowledge that the legislature may simply appoint as prime minister someone who is equally opposed to the president” (Elgie, 2010: 31). Doing this, the president expresses the character particularly problematic in the young democracies of the prospect of an ongoing intra-executive conflict which “may lead to gridlock situations in which neither the president nor the prime minister is willing to compromise and where decision-making comes to a halt” (Elgie, 2010: 31). Thus, to accept parliament’s will, to co-exist with a political opponent, to share, or even yield up, the executive power with the premier is essential for a president in order to avoid the constitutional deadlocks (Elgie, 2010: 31). But the worry that the president and prime minister will be unwilling to share power is a constant of semi-presidentialism, as well as what may involve this unwilling to share power, namely the president or the prime minister trying “to seize power unilaterally at the expense of the other actor” in a destructive manner for democracy (Elgie, 2010: 29). The Irish authors specify that there is a general worry concerning that a president will rely on his/her personal authority and rule by decree, so undermining the legislative majority, and that the personalisation of presidential power may well be a general problem, but they show, in an systematic research of the conditions under which cohabitation is likely to occur, that “the critics of cohabitation may have exaggerated its problems,” that “the negative impact of cohabitation may not be as great as the received wisdom would have us believe” (Elgie, McMenamin, 2010: 15-16) and that “there is little prima facie evidence to support the association between cohabitation and the collapse of young semi-presidential electoral democracies” (Elgie, 2010: 37). However, the conflict relationship or the intra-executive conflict “characterized by intense confrontation between a president and a premier who is supported by parliament” (Protsyk, 2006, 221sq) may be the effect of their different interpretations of cohabitation which may cause the gap between the normative and practical aspects (see Chang, 2014: 35). In general, the intra-executive conflict is understood “as struggles between the president and the prime minister/cabinet over the control of the executive branch,” more specifically, as a “conflict-ridden” relationship “manifested through obstructive or antagonistic behaviour from either side, directed towards the other” which may encompass “public statements where critique is levelled against the other side,” “disagreements over key appointments or dismissals,” “different interpretations of constitutional prerogatives,” “interference in each others’ political domains,” “personal disputes,” “strong disagreement over policy directions” (Sedelius, Mashtaler, 2013: 113).

As such, cohabitation conveys the idea, expressed in the French literature, of forcing two ideological incompatible individuals to live together (Skach, 2007: 102). It is regarded by many observers as “the Achilles Heel of semi-presidentialism” since in it the president and the prime minister “can both claim to be the legitimate source of political authority” (Elgie, McMenamin, 2010: 1) or “to have the authority to speak on behalf of the people” (Elgie, 2010: 31). It is considered by other authors, in the recent studies on “the newest and least understood separation-of-powers system of the world: semi-presidentialism” (Skach, 2005: 96), as being not statistically significant in determining

democratic breakdowns (Elgie, 2010), as having passed the test in France, where the conflict between the president and prime minister did not necessarily threaten democracy (Skach, 2005: 116), as being, in France and Portugal, periods during which the president and prime minister have exercised self-control not to cause a serious deadlock in order to accumulate popularity for their prospective elections on presidency (Pasquino, 2007) (see Tsai, 2012: 2-3). As such, cohabitation has been in the center of a considerable academic and political debate, the discussions of the effects of cohabitation being always involved in the debates about pros and cons of semi-presidentialism (Elgie, McMenamin, 2010: 3).

Cohabitation has been particularly discussed in the field of recent comparative politics, mainly in the two representative research lines stressing “the demerits” or “the perils of cohabitation” (Elgie, 2011: 12) and its “merits”. The reserved and critical line of research – the most prominent among the two, constituted as “academic consensus against semi-presidentialism” (Elgie, 2010: 32), as standard wisdom considering cohabitation as problematic (Elgie, McMenamin, 2010: 3) illustrated by J. J. Linz, A. Stepan, E. N. Suleiman, S. Fabbrini, B. R. Rubin, L. Kirschke – highlights that the institutional lock-in conflict between the president and prime minister can endanger democratic stability (Linz, 1994) or can reverse the course of democracy into authoritarianism (Kirschke, 2007). Most observers consider that cohabitation is problematic, that it can lead in consolidated democracies and, even more, in newly democratized societies to problems of executive coordination, legislative and executive gridlocks and constitutional deadlocks. Shugart and Carey consider that cohabitation makes obvious and insurmountable the power relation between the president and the premier, the specific hierarchical and dominant transactional relationships, and their influence on the relation to the parliament (Shugart and Carey, 1992). Linz points out that there is no democratic principle to resolve disputes between the executive and the legislature about which of the two actually represents the will of the people (Linz, 1990: 63). As “possibility of constitutional conflict between two electorally legitimated executives,” cohabitation is seen as the central problem of semi-presidentialism (Stepan and Suleiman, 1995), as its main weakness (Fabbrini, 1995), as potential endangering the legitimacy of structure of rule and as potential putting in conflict two branches of democracy (Linz and Stepan, 1996, apud Elgie, 2010: 31-32, Elgie, McMenamin, 2010: 2-3, Elgie, 2011: 12-13).

The empirical findings and evidences analyzed by some of the most important authors of the theme of semi-presidentialism and, subsumed, of cohabitation and intra-executive conflict, as G. Sartori, R. Elgie, D. Samuels and M. Shugart, O. Protsyk, G. Pasquino, S. de Roper, prove that cohabitation is less problematic “than the established wisdom would suggest” (Elgie, 2010: 16). The thesis which subsume their findings is that cohabitation should not be understood as synonymous with intra-executive conflict but as entailing some positive systemic consequences (Pasquino, 2007: 14 sq) and also as a solution of conflict in the measure in which it accommodates conflict with compromise and proposes „a gridlock-avoiding machinery” (Sartori, 1994: 124). So, the line of research focused on the merits of cohabitation rejects the view that “cohabitation is the destiny of semi-presidentialism” (Shyu, 2000; apud Chang, 2014: 31). Assessing the French, Portuguese and Polish cohabitations, Pasquino considers that there have not been major and devastating conflicts deriving from institutional causes (Pasquino, 2007: 21) and that there have been “interesting formula for power sharing between the popularly elected president and changing parliamentary majorities” (Pasquino, 2007: 22). Based on results of a rigorous empirical study, Samuels and Shugart state that the most important potential advantage of the premier-presidential sub-type of semi-presidentialism is the

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institutional flexibility of semi-presidentialism expressed itself through the potential for a shift from a unified executive to cohabitation, the prospect of cohabitation which offers the possibility to oscillate between the presidential and parliamentary worlds (Samuels and Shugart, 2010: 337).

In this favourable understanding, cohabitation is considered as maximal illustrating the exigency of power-sharing, “the motivation behind the creation of the semi-presidential system” and “its greater support for democracy” (Elgie, 2011: 14). Thus, “in the context of a society that is polarized between two opposing groups, semi-presidentialism offers the opportunity for representatives of both groups to have a share of power,” even more if the electorate options generate a divided executive. In such an understanding, the cohabitation, is argued as “a delicate mechanism for solving the problem of divided situations between the president and parliament with an opposing majority in semi-presidentialism” (Tsai, n.d.: 2), as “a gridlock-avoiding machinery” (Sartori, 1994: 124sq). Analyzing the advantage of semi-presidentialism over presidentialism with regard to split majorities or the situations where the majority that elects the president is not the majority that controls parliament, Sartori stressed that a divided majority inevitably leads to conflict and gridlock, that any dual authority structure can become confrontational and thereby stalemated by an executive divided against itself, but that the semi-presidentialism also possesses a gridlock-avoiding machinery (Sartori, 1994: 124). In contradistinction to Vedel and Duverger who – considering that semi-presidentialism is not “a *synthesis* of the parliamentary and presidential systems, but an *alternation* between presidential and parliamentary phases” (Duverger, 1980: 186, apud Sartori, 1994: 123) –, assume that the French system is presidential when the president’s and parliamentary majorities are consonant, and parliamentary when they are dissonant –, Sartori considers that in the French cohabitations the presidents and their “contrary” prime ministers “played their respective cards with moderation and intelligence. But the smooth working of their cohabitation cannot be simply attributed to the personality traits of the players. While hot headed leaders and compromise busters can disrupt any mechanism of power sharing, yet the French bicephalous arrangement has worked because it *can* work... semi-presidentialism proposes a gridlock-avoiding machinery” (Sartori, 1994: 124). Sartori points out that in minority, a French president can no longer exploit his “usurped powers” that arise from the material constitution, “but never becomes a figurehead and that he still is a president that stands on his own, direct legitimacy, and a president empowered by the letter of the constitution to prerogatives that parliament elected presidents seldom if ever have” (Sartori, 1994: 124). According to Sartori, as the French system works precisely across the re-balancing provided by the *flexible diarchy*, “the problem of divided majorities finds a solution by ‘head shifting,’ by reinforcing the authority of whoever obtains the majority. And this is a most brilliant, if unintended, piece of constitutional witchcraft” (Sartori, 1994: 125).

According to Elgie, in order to place the debate about the effects of cohabitation in its appropriate institutional context, is important to identify regularities in the onset of cohabitation or the conditions under which cohabitation is most likely to occur (Elgie, McMnamin, 2010: 4, Elgie, 2010: 38). The very specific set of circumstances where the very specific political situations of cohabitations occur comprises, according to Elgie:

- (1) exceptional circumstances, *outside elections* – cohabitation may occur in these cases only if an anti-presidential majority forms in the legislature part-way through the legislative term, if the president is extremely unpopular or if resources are being hoarded.

- (2) *in the context of an election* or as a result of three types of electoral situations: (a) when synchronized presidential and legislative elections return opposing majorities; (b) when a presidential election returns a candidate who is opposed to the majority in the legislature – cohabitation occurs when the president does not have the power of dissolution and when the legislature contains a coherent and cohesive majority that is opposed to the new president; (c) when legislative elections return a majority opposed to the incumbent president – cohabitation occurs when the president and prime minister are from opposing parties and when the president’s party is not represented in government, when the president is totally isolated within the executive (Elgie, 2010: 38, Elgie, McMenamin, 2010: 8).

Elgie, McMenamin showed in their exploration of the conditions under which cohabitation is likely to occur, the first systematic research of this type; that cohabitation is more likely to occur in countries with a premier-presidential form of semi-presidentialism; that when cohabitation follows a presidential election, it is likely to occur in a country where there is only a very weak president; that the conditions under which cohabitation is most likely to occur are also the ones under which it is likely to be most easily managed (Elgie, McMenamin, 2010).

Cohabitation is often associated, as specify, not only with the interaction of certain types of electoral situations but also with the degree of presidential power in a country (Elgie and McMenamin, 2010: 2) – presidential constitutional authority – and with prime ministerial power composition.

Variables that especially accounts for differentiating the types of cohabitation in semi-presidentialism are:

- (1) unilateral authority of the president, namely: (a) *decree power* – possibility of establish law in lieu of action by the assembly, (b) *dissolution power* – a weapon to turn down the prime minister and cabinet, (c) *veto power* – power to affect the outcome of legislation. These forms of unilateral authority constitute president’s levers in confrontation with the prime minister who controls a majority opposed to the president and they give the president a considerable say in policy making (Tsai, n.d.: 5). “If the president in semi-presidentialism does not have any unilateral power, he can only play second fiddle to the prime minister” (Tsai, n.d.: 6).
- (2) composition of the cabinet as “very crucial to the operation of the prime minister’s power,” as such: (a) if only one party forms the cabinet, the prime minister is the leader of the party; (b) “if a coalition cabinet and the prime minister’s party has a dominant position such as the largest party in the cabinet, the prime minister can be preponderant only when other coalition parties do not oppose”; (c) “if the cabinet is a coalition one and two or three or more parties almost equally share seats in parliament, the prime minister has to proportionally share executive power with other coalition parties” (Tsai, n.d.: 6).

A classification of cohabitations which I consider especially useful in the perspective of an operationalization is that proposed by Tsai and that comprises as types:

- (1) *shared cohabitation*, illustrated in France, which imply that (a) the president does not have unilateral constitutional powers such as decree, veto, and dissolution power and the president’s party only has a minority in parliament; (b) the cabinet is composed of more than one party; (c) the prime minister has to share executive power with coalition parties; (d) the president retreats to the second line and gives executive ground to the prime minister with an opposition majority; (e) the president may delay the process of decision-making by way of expressing his disagreement in public but cannot stop

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- it becoming laws; (f) the prime minister leads the way on day-to-day matters of government;
- (2) *premier-tilt cohabitation*, illustrated in Portugal, thus: (a) only one party forms the cabinet; (b) the prime minister as the party leader is more important than the prime minister in the coalition cabinet because he is supported by a more unified base; (c) the president and prime minister can have divergent views of policy and the conflicts between them can arise, but “the prime minister still can gain the upper hand with a coherent majority in parliament”;
 - (3) *unbalanced cohabitation*, illustrated in Poland, as such: (a) the president holds some unilateral authority in some reserved domains, as power of decree, veto, dissolution of parliament or of nomination the portfolios of foreign affairs and defense – such that “he can act independently in some reserved domains and to serve a rallying point for the opposition majority”; (b) the prime minister still lead the government but “the president can have discretion on certain spheres”; (c) if the coalition government does not act as in full agreement, it can make vulnerable the political power of the prime minister;
 - (4) *balanced cohabitation*, illustrated in Sri Lanka, thus: (a) the president is granted some unilateral authority; (b) the opposing cabinet is only made up of one party; (c) it is more likely to see grandstanding between the president and prime minister (Tsai, n.d.: 7-8sqg).

The found regularity is that the degree of conflict increases progressively from shared cohabitation, premier-tilt cohabitation, unbalanced cohabitation to balanced cohabitation (Tsai, n.d.: 20). The occurrence of cohabitation has really put *the constitution* and its practice into an acid test. During the period of cohabitation, the president and prime minister have to enact their authority according to the competencies of the president and prime minister demarcated in the constitution. *The ambiguity of constitutional articles* pertaining to the prerogatives of presidents and prime ministers may trigger clashes between the president and cabinet. But, in the same measure, in cohabitation an important role plays the “political rationality, while factors such as political culture, social structure and necessary institutional design could influence the practice of cohabitation as well” (Chang, 2014: 41).

Cohabitations in Romania or cohabitation as a problem

In comparison with the provisions of the French Constitution of the Fifth Republic, the Romanian Constitution circumscribes, since 1991 and in its 2003 revised form, a “presidential centre,” “not very strong”, characteristic, as Sartori has shown, for a “weak”, “alleviated” or “parliamentary-like” semi-presidentialism, an “impure” two-headed executive (Sartori, 2008: 313, 315, 317; Tănăsescu, 2016: 151). Constitutionally, the Romanian president has the role of *guarding* the observance of the Constitution and the proper functioning of the public authorities and *mediating* between the Powers in the State. The prime minister and government have the role to ensure the implementation of the domestic and foreign policy of the country, and exercise the general management of public administration. Parliament is the supreme representative body of the people and the sole legislative authority of the country (Constitution of Romania, 2003: Art. 80 (2), Art. 102 (1), Art. 61 (1)). I consider essential to underline with respect to the Romanian semi-presidentialism (see Tănăsescu, 2016: 152-153) that the model of this type of constitutional disposing, as Shugart clarifies, is the balance of powers containing three types of formal institutional relationships: (1) a

hierarchical “vertical relationship” between parliament and government or the government subordination to parliament – “the prime minister (and cabinet) – has its survival fused with the assembly majority” (Shugart, 2005: 327); (2) a hierarchical “diagonal” relationship between president and government by virtue of president’s right to have some initiative in the prime ministerial nomination, and concomitantly (3) a “transactional” relationship between the president and the government, because the government, once appointed, does not depend on the president but on the parliamentary confidence, so that the president and the government are “co-equals” because they have different sources of authority and must cooperate to accomplish some task (“horizontal juxtaposition of co-equals” (Shugart, 2005: 328) or *inter pares* of the Executive). I also believe that it is essential to underline that, according to the Constitution, the elected President is not established as chief of the Executive or as chief of the State, and also that the role of *guardian* of the Constitution observance, which places Romanian president in the position of *supra partes* in the political game and not in that of *pares* (“co-equal”), removes the president from the “active” role of “player” or of part in the act of governing (Tănăsescu, 2016: 154).

In an analysis of the performances of different types of cohabitation, which selected countries of “moderate” and “high” intra-executive conflict in order to examine whether an unstable intra-executive interaction will ease the executive-legislative confrontation, it is considered that in Romania the executive powers belong to the presidents (Chang, 2014: 37). This cataloguing contradicts Shugart’s classification of Romania as a “prime minister – presidential regime” country, even if, according to the new Constitution the president needs the parliament’s agreement to remove the premier and the cabinet official, being mainly responsible for national defense and foreign policy. But this cataloguing is explained by the president powers to appoint important executive officials – the heads of the High Court of Cassation and Justice of Romania, the Superior Council of Magistracy, the Constitutional Court, the National Integrity Agency, the National Agency for Tax Administration, the National Anti-corruption Division, the Audiovisual Commission, and, of course, the heads of Romanian intelligence services –, to participate in the cabinet meetings, and to influence the legislative agencies through veto power. Chang shows that in Siaroff’s categorization, Romania gets 5 point, which means that the president has much executive power than the premier (Chang, 2014: 38).

Table 2. Presidential powers in European semi-presidential countries (until 2011)

Country	Siaroff (max. 8) (2007)	Original Shugart and Carey (1992)	Metcalf-revised Shugart and Carey (2000)
Austria	0	4	5
Bulgaria	2	2	2
Croatia	3	7	-
Finland	1	1	8
France	6	5	9
Iceland	0	11	13
Ireland	2	0	7
Lithuania	3	6	8
Macedonia	3	2	3

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Montenegro	-	1	-
Poland	2	6	9
Portugal	2	7.5	10.5
Romania	4	7	9
Serbia	-	2	-
Slovakia	1	3	5
Slovenia	0	4	3

Source: Elgie, R. (2012: 23). Retrieved from:
http://doras.dcu.ie/20743/1/President_in_Comparative_Perspective_Elgie_final.pdf

Siaroff (2007) index, which identifies nine powers and gives a score of 1 if the president enjoys that power or 0 otherwise, generates a 10-point scale from 0-9. One of powers that Siaroff identifies is direct election, another is whether the president has the power to dissolve the legislature. He tries to capture whether or not these powers are exercised in practice. If a president has a constitutional power that is never used, then he tends to give a score of 0 for that indicator (Elgie, 2012: 7). In his research Elgie substrates one point from each of the countries with a directly elected president. The indicators used by Siaroff are: (1) the president is directly elected; (2) the president's political party wins the parliamentary election; (3) the president can appoint important executive officials; (4) the president can act as Chairman of the Cabinet meeting; (5) the president can influence legislative institutions through veto power; (6) the president has the power to enact the Emergency Decrees; (7) the president has actual diplomatic power; (8) the president can dissolve the Parliament. Shugart and Carey (1992) identify 10 purely constitutional powers, all of which range from 4 (unrestricted power) to 0 (no provision). The scores reported in Elgie's article are from various sources (Elgie, 2009; Elgie and Moestrup, 2008; Moestrup, 2010; Wu and Tsai, 2010) which use the original Shugart and Carey coding criteria. Metcalf's (2000) measurement is based on a revised version of the Shugart and Carey methodology in which there are identified 11 purely constitutional powers, each of which again ranges from a score of 4 to 0. (Elgie, 2012: 7).

The essential coordinates concerning the electorally generated subtypes within Romania's semi-presidentialism are the following:

- until 2004 the presidential and legislative elections have been concurrent, a very rare case in semi-presidentialism and in general, fact that explains why the Romanian semi-presidentialism does not generated situations of cohabitation (Protsyk, 2006: 235);
- the specific circumstances of cohabitation have been both *outside elections* (2007-2008; 2012-2014) and *in the context of an election* (2014; 2016);
- in the context of the election, there has been:
 - a presidential election that returned a candidate opposed by the majority in the legislature (2014, Klaus Werner Johannis)
 - legislative elections that return a majority opposed to the president (2016, PSD);
- there have been coalition governments, the prime minister's party – PSD – having a dominant position such as the largest party in the cabinet (2012-2014, 2014-2015; 2017-), but there has been also a coalition of two parties – PNL-PDL – almost equally sharing seats in parliament (2007-2008);
- there were situations of *divided majority* (2012-2014; 2014-2015; 2017-) and of *divided minority* (2007-2008);

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- the president does not have unilateral constitutional *decree power* – president’s decrees or his legal documents, issued in the exercise of his most important attributions, are countersigned by the prime minister, according to art. 100 (1) of the Constitution, *dissolution power* – because president’s right to dissolve the parliament, according to art. 89 of the Constitution, is conditioned by six provisions, its application in practice is almost impossible, *veto power* – president’s refusal to promulgate a law can be exercised only once, after receiving it.

The Romanian cohabitations are not clearly classifiable in any of the stated types, but they are closer to the *shared cohabitation* and, from this reason, it would be expected that they should be carried out in a manner similar to the way in which cohabitation took place in France, as a *flexible diarchy*, playing the “respective cards with moderation and intelligence,” not entailing the personality traits and personal interests and admitting a gridlock-avoiding machinery.

Table 3. List of cohabitation periods in Romania

Period	President – Prime Minister
1) April 2007-December 2008	President – Traian Băsescu (PD/PD-L); PM – Călin Popescu-Tăriceanu (PNL); Coalition – PNL, UDMR
2) May 2012-December 2014	President – Traian Băsescu (PD/PD-L); PM – Victor Ponta (PSD); Coalition – PSD, PNL until March 2014, then PSD, UDMR
3) December 2014-November 2015	President – Klaus Werner Johannis (PNL); PM – Victor Ponta (PSD); Coalition – PSD, LRP, PC, UNPR
4) January 2017- June 2017	President – Klaus Werner Johannis (PNL); PM – Sorin Grindeanu (PSD); Coalition – PSD, ALDE
5) June 2017-	President – Klaus Werner Johannis (PNL); PM – Mihai Tudose (PSD) Coalition – PSD, ALDE

Source: Robert Elgie, List of cohabitations.

Retrieved from: <http://www.semipresidentialism.com/?cat=17>

Table 4. List of cohabitation periods in European South-Eastern democracies

Country	Cohabitations	
	Number	Periods
Bulgaria	4	1) January 1995 – February 1997
		2) July 2001 – January 2002
		3) January 2002 – August 2005
		4) July 2009 – January 2012
Croatia	2	1) February 2010 – December 2011

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		2) February 2015 – January 2016
Czech Republic	2	1) March 2013 – July 2013
		2) January 2014 –
Lithuania	2	1) November 1996 – February 1998
		2) February 2003 – April 2004
Macedonia	2	1) November 2002 – May 2004
		2) August 2006 – April 2009
Poland	8	1) December 1991 – Jun 1992
		2) June 1992 – July 1992
		3) July 1992 – October 1993
		4) October 1993 – March 1995
		5) March 1995 – December 1995
		6) October 1997 – October 2001
		7) November 2007 – April 2010
		8) August 2015 – November 2015
Romania	4	1) April 2007– December 2008
		2) May 2012– December 2014
		3) December 2014– November 2015
		4) January 2017 – June 2017
		5) June 2017 –
Serbia	1	1) November 2006 – May 2007
Slovenia	2	1) December 2004 – January 2006
		2) December 2012 – March 2013

Source: Robert Elgie, List of cohabitations.

Retrieved from: <http://www.semipresidentialism.com/?cat=17>

The Romanian intra-executive conflict is considered moderate (Chang, 2014: 37), but this analysis modifies Sedelius' and Ekman's defining: Romania as in high conflict in its cohabitation period (Sedelius and Ekman, 2010). Shih's research (2010) is mentioned for his ascertainment that "Romanian situations in 2004-2007 and 2007 onward could be described as from the president and the premier's direct confrontation to the president-parliament and premier-parliament confrontations" (Chang, 2014: 37). According to Elgie's research – in which he used experts' evaluations – the statistics of the level of conflict is the following:

Table 5. Descriptive statistics for the level of president/cabinet conflict using a four-point ordinal scale

	Number of cabinet units	Number of expert evaluations included	Outcome Low conflict (1)	Outcome Low-Medium conflict (2)	Outcome Medium-High conflict (3)	Outcome High conflict (4)
Austria	10	3/4	6	2	1	1
Bulgaria	7	5/6	3	2	2	0
Croatia	10	4	4	6	0	0
Czech R.	12	5	1	4	5	2

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Finland	10	4	5	4	1	0
France	10	9	7	2	0	1
Iceland	9	4	3	4	0	2
Ireland	8	6	8	0	0	0
Lithuania	15	4	8	4	2	1
Poland	13	7	7	2	2	2
Portugal	9	4/5	5	2	0	2
Romania	15	7	7	1	2	5
Slovakia	8	5	3	2	2	1
Slovenia	13	2	9	1	1	2

Source: Elgie, R. (2017 forthcoming book, 131).
Retrieved from: <https://books.google.ro/books?isbn=1137346221>

Table 6. President/Cabinet Conflict in Romania – The Results of an Expert Survey

President	Cabinet	Date	Mean conflict score
Iliescu	Văcăroiu II	1994-08-18 – 1996-09-02	0.0
Constantinescu	Ciorbea	1996-12-11 – 1998-04-15	0.2
Constantinescu	Vasile	1998-04-15 – 1999-12-21	1.0
Constantinescu	Isărescu	1999-12-21 – 2000-12-20	0.0
Iliescu	Năstase I	2000-12-20 – 2003-06-19	0.2
Iliescu	Năstase II	2003-06-19 – 2004-12-29	0.3
Băsescu	Popescu I	2004-12-29 – 2006-12-07	0.7
Băsescu	Popescu II	2006-12-07 – 2007-04-05	0.9
Băsescu	Popescu III	2007-04-05 – 2008-12-22	1.0
Băsescu	Boc I	2008-12-22 – 2009-12-23	0.1
Băsescu	Boc II	2009-12-23 – 2010-05-19	0.0
Băsescu	Boc III	2010-05-19 – 2012-02-09	0.0
Băsescu	Ponta I	2012-05-07 – 2012-12-21	1.0
Băsescu	Ponta II	2012-12-21 – 2014-03-04	0.7
Băsescu	Ponta III	2014-03-04 – 2014-12-15	0.9

Source: Elgie, R. (2017, forthcoming book). Retrieved from: <https://presidential-power.com/?p=6122>. Seven expert evaluations have been used. The values of **0**, **0.33**, **0.67**, and **1** are for *Low*, *Low-Medium*, *Medium-High*, and *High* respectively levels of conflict.

Practically, from 16 government units (those between August 1994 and December 2014) 7 exceeded the *medium-high* level of intra-executive conflict (the score of **0.67**). Four of them have been governments of cohabitation, all with *high level* of intra-executive conflict:

- (1) Băsescu – Popescu-Tăriceanu III (2007-04-05 – 2008-12-22) – **1.0**
- (2) Băsescu – Ponta I (2012-05-07 – 2012-12-21) – **1.0**
- (3) Băsescu – Ponta II (2012-12-21 – 2014-03-04) – **0.7**

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(4) Băsescu – Ponta III (2014-03-04 – 2014-12-15) – **0.9**

In addition to these governments of cohabitation there have been 3 coalition governments with *high level* of intra-executive conflict:

- (1) Constantinescu – Vasile (1998-04-15 – 1999-12-21) – **1.0**
- (2) Băsescu – Popescu-Tăriceanu I (2004-12-29 – 2006-12-07) – **0.7**
- (3) Băsescu – Popescu-Tăriceanu II (2006-12-07 – 2007-04-05) – **0.9**

The question I am trying to answer is why so far the cohabitation in Romanian semi-presidentialism presented a high degree of conflict and not, as in French case, “peaceful, constructive coexistences”?

Two Romanian Presidents have been protagonists of cohabitation: Traian Băsescu (2006-2008 and 2012-2014) and Klaus Iohannis (from 2014-).

During Traian Băsescu’s terms both the cohabitation with the Prime Minister Călin Popescu-Tăriceanu and with the Prime Minister Victor Ponta began part-way through a legislature and without an election occurring and, practically, the concrete disputes between the President and the Prime Ministers have embraced all forms of intra-executive conflict (Sedelius and Mashtaler, 2013: 113).

In April 3, 2007 it took place a “governmental restructuring”. The members of government representing president’s party (PD) were dismissed by Prime Minister Călin Popescu-Tăriceanu (belonging to other party – PNL – than the one from which the president came – PD), after a period of two years of intra-executive conflict – in conditions of unified, but not consolidated, majority – and of pressure exercised in an attempt to urge the Prime Minister to resign in order to be held early elections and to configure a comfortable parliamentary majority. The other reason for pressure has been the project of fusion between PD and PNL, tergiversated and failed and, therefore, a major cause of disagreement between Băsescu and Popescu-Tăriceanu as leaders of the two parties. Some authors present, consequently, the government change from April 2007 as a result of the breakdown of the D.A. Alliance and of PD exit from government under the motivation that former partners, especially PNL, do not fulfil the government program (Stan, 2009: 42). As a matter of fact, this rupture was prepared by breaking a wing of the National Liberal Party (PNL), Liberal Democrat Party (PLD), already in December 2006, a party which merged with the Democratic Party (PD) and formed Democratic Liberal party (PDL) in January 2008. The reasons for disagreement before cohabitation were more, one major of them being the activity of the Minister of Justice, Monica Macovei, and what has been initiated by her as a reform in justice, but what has been and has remained a highly controversial topic – the appointment of the prosecutors no longer the Superior Council of Magistrature’s attribution, but of president’s and minister of justice’s. This transfer of attribution was and still is considered a politization of the prosecutor’s appointment. Popescu-Tăriceanu formed a new coalition government, although its members – the National Liberal Party (PNL) and the Democratic Union of Hungarians in Romania (UDMR) – got only twenty percent of the seats in the Parliament. Thus, in a situation of *divided minority*, the Government was supported on legislative issues by Social-Democratic Party (PSD), Great Romania Party (PRM) and Conservative Party (PC) and resisted almost two years, till parliamentary elections from 2008. This cohabitation of the President with a minority and ideological different government, was of fierce opposition, of acute, “febrile” conflict between the President and Premier, with attacks meant to discredit the government. The discursive background of President’s assuming this position

was one explicitly agonistic, “negative”, confrontational, expressed in “the rejecting of the system”, in stating the intention to “eliminate the corrupt and mediocre politicians,” especially the MPs, in establishing a direct relationship with the people and in amending the Constitution. The President adopted “the state crisis” strategy and that of the necessity of “state reform.” Part of this strategy was the purpose of obtaining a PD government and, by establishing a President-Government-Parliament connection and by setting PD on a “populist path”, the re-dimensioning of the presidential attributions. In the conflict with the Prime Minister Tăriceanu, the President pointed tasks to the government, put “media pressure” on it, was constantly present in the media attacking aggressively since 2005 “the interest groups” around the government and “the interest groups” of the media sustaining the government and pretending to take a stand against the government on behalf of the people. The forms by which the President maintained and amplified the intra-executive conflict have been personalized both in statements and in political gestures and decisions.

The President rejected the Prime Minister’s nominations for several posts of Ministers, demanded to the Prime Minister the resignation of some Ministers and dignitaries for whom DNA asked the initiation of criminal proceedings etc. He singularized himself by the frequency of participation in government meetings and by his unannounced appearance in such meetings, by addressing irrelevant topics, launching public criticism to the government, ironic or incriminating statements, totally atypical for the dignity of presidential function.

The irreconcilability of President’s and Parliament’s political positions and the perceiving of the conflicting and “agonistic” nature of Traian Băsescu as President were reflected in the two parliamentary initiatives to impeach him. Before the “governmental restructuring” in April 2007, the opposition parties represented in Parliament have proposed the impeachment of the President Băsescu (Meeting of the Chamber of Deputies of 13 February 2007) for unconstitutional conduct as: (1) “clear tendencies of authoritarian leadership, with serious overrun of constitutional limits,” his concrete actions demonstrating “that he has a particular and discretionary view on the high position he has been entrusted with, misinterpreting the provisions of the Constitution and the laws of the country, applying them as he likes”; (2) “frequent statements” “merely prove the numerous concrete facts of violation of the Constitution and public conduct, intentionally manifested outside the constitutional framework,” “denigration of the activity of the main public authority and discrediting of their authority and credibility, maintenance permanently of an atmosphere of instability and conflict”; conducting “a real campaign of storming civil society against public authorities”; defamatory statements and ratings, often offensive, to certain institutions or people that lead to consequences for them, influencing decisions or public opinion against institutions; (3) “serious offenses” or “legal or political facts” such as: “interventions to influence certain measures in economic or administrative terms, blocking the circuit of a document, concealing a document, giving an audience, attending without a right to a Government meeting, etc., a right to a hearing Government, etc., which violate constitutional principles or provisions;” and the like (Joint meeting of the Senate and the Chamber of Deputies of 28 February 2007). The 700-page Report of the Joint Investigation Commission of the Parliament of Romania (established by Romanian Parliament through the Decision no. 4 of 2 March 2007 on the establishment of a joint investigation commission) found that the president violated at least 27 constitutional articles and was involved in criminal acts. The Constitutional Court of Romania has not denied them, but have not deemed them as being and found no clear evidence of its breach of Constitution. Its approval being advisory, the Parliament voted

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(April 19, 2007) for impeachment and Bănescu was suspended from his function as president (Decision no. 20 of 19 April 2007 regarding the suspension of the President of Romania). The Constitutional Court rejected Bănescu's contestation of the Romanian Parliament's decision. The popular vote from the national referendum (May 19, 2007) decided, with a low voter turnout, 74.48% against the dismissal of the President. Between 2007 and 2009, President Bănescu had to cohabite with Tăriceanu government, in fact *ab initio* he rejected, consistently repudiated and boycotted the cohabitation. The leitmotif of the presidential discourse was in this period the "state crisis" that requires new constitutional means of unlocking, the argument for the need to adopt a new Constitution being "the levers by which [the President] may provide a way out" in situations of "constitutional crisis", especially the presidential prerogative to dissolve the Parliament and to refuse the proposed candidatures of Prime Minister in situations of cohabitation.

The other period of President Bănescu's cohabitation was with governments led by Victor Ponta, in his second term and after more than three years in collaboration with an obedient prime minister, in condition of a united majority. In May 2012, the coalition government, which included Democratic Liberal Party (PDL), the President's party, National Union for the Progress of Romania (UNPR) and the Democratic Union of Hungarians in Romania (UDMR), was removed by a motion of censure. The former opposition – Social-Democratic Party (PSD), National Liberal Party (PNL) and Conservative Party (PC) – formed the Government, because the coalition lost its majority in Parliament. The second period of cohabitation of President Bănescu with Ponta governments started under the sign of objection and disagreements and became personalized quite quickly. The cohabitation in President Bănescu's second term strongly antagonized the political life, but it also meant strong institutional conflicts, instability, dysfunctions in the "horizontal accountability" of executive power maintained by the President. According to Sedelius and Mashtaler, the intra-executive conflict between President Bănescu and Prime Minister Ponta in Romania 2012 "have resulted in negative effects such as political instability and stalemating policy situations" (Sedelius and Mashtaler, 2013: 110). President Bănescu has been impeached second time by the Romanian Parliament in July 6, 2012. The disputes of the President with the new Prime Minister USL, Victor Ponta, on Romania's representation at the European Council degenerated into a political and constitutional crisis that culminated with President's second suspension in Parliament (Decision no. 33/2012 regarding the suspension from office of the President of Romania). In the request to suspend the President it was shown that "the majority of the major political decisions over the past 3 years were taken outside the framework of democratic functioning of the state and against the will of the people" (Request regarding the suspension from office of the President of Romania, Traian Bănescu, 4 July 2012; see also European Commission for Democracy through Law, Venice Commission, Constitutional Issues in Romania: Decisions, Rulings and Opinions of the Constitutional Court, 5 September 2012: 4). The reasons of the suspension set out and argued in the document were: (1) usurpation of the Prime Minister's role and his substitution in the constitutional attributions of the Government; (2) repeatedly infringement of the citizens fundamental rights and freedoms provided in the Constitution; (3) repeatedly infringement of the principle of separation of powers in the state and the independence of justice; (4) initiation of an unconstitutional project for the revision of Constitution and infringement the revision of Constitution procedure as it is provided by the Fundamental Law; (5) instigation to the failure to comply with the Constitutional Court's decisions and making direct pressure on the judges of the Court, including by

“visiting” them before important decisions; (6) systematically infringement of the principle of political non-attachment of the person holding the presidential post and abandonment of the constitutional role of mediator in state and society; (7) seriously infringement of the provisions of Constitution and the fundamental principle of representative democracy when it declared that it will not appoint a Prime Minister from the USL, even if this political party will get the absolute majority in Parliament (Request regarding the suspension from office of the President of Romania, Traian Băsescu, 4 July 2012).

Romania is also the only country in which the Parliament voted to impeach the president, President Băsescu, accusing him explicitly, according the Report of Joint Investigation Commission of the Parliament of Romania, of authoritarianism (he has been called by Dietmar Bergtahl in *New Europe* “the last autocrat of Europe”), of exceeding the presidential powers, of intrusion in Government’s powers, of being *partes* and dominator of the political game, of being the author of a presidentialized Party, of presidentialized elections and of a presidentialized Government (2008-2012), of securing for himself a constitutionalized autonomy by concentrate the legislative and executive decision making, the justice system and the intelligence under his complete control. Cindy Skach identified in this kind of political proceeding of concentration of power, in this increased use of extraordinary constitutional, administrative and political procedures, and in an ongoing battle for public opinion the “observable symptom of constitutional dictatorship”. In this context the cohabitations have had the form of what Tsai called a continuous and degrading “political wrestling,” of what Cindy Skach named “a spiral of backbiting and mutual recriminations” (Skach, 2007: 98).

In my view, the common note of President Băsescu’s and President Iohannis’s political conduct as regard the cohabitations consist in: the refusal of cohabitation, at least in the first instance, passing very easily over the popular will expressed in vote; the refusal to appoint Ministers and Prime Ministers; the delay of promulgation laws; the lack of political transparency and cooperation with the government in the public interest; the blaming the parliament, parties, politicians – “penals,” “criminals,” “corrupt,” “representing the system” –, and a part of “un-frequentable” media; the criticism of the Constitution (“the ambiguities of Constitution”) and the desire to change it by increasing the constitutional prerogatives of the president (Tănăsescu, 2015: 133-148).

In his term, shortly after taking the office Klaus Iohannis expressed his wish to have “his government,” a PNL government with which to feel comfortable and to implement his vision for ten years. He cohabited highly conflicting with Victor Ponta’s PSD-ALDE-PUNR government between December 2014 and November 2015. President Iohannis has repeatedly called for his resignation, accusing the loss of the Government’s credibility, given that in September 2015, Ponta was sued for alleged illegal deeds. Prime Minister Ponta stressed that he had been appointed by Parliament and that only the Parliament could dismiss him. In fact, the government faced four simple motions and two no-confidence motions within a few months, all failed. The opposition National Liberal Party introduced a censure motion (June 2015) – in the day in which DNA announced the start of the criminal prosecution of Victor Ponta – which required almost explicitly UNPR, headed by Interior Minister Gabriel Oprea, to give up supporting the Ponta government in the conditions of his criminal trial. Despite the resistance from opposition, Ponta Government promoted a fiscal relaxation in order to boost the business environment. In October the Government amended the tax code that provided additional tax reductions for micro-enterprises with one or two employees and including water for products for which

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VAT is reduced from 20% to 9%. Also in October, the resignation of the Interior Minister Gabriel Oprea was requested by protesters after the policeman Bogdan Cosmin Gigină died while escorting his official column, although at that time the Minister of the Interior was not entitled to use an official column. The tragic accident with many victims – young people at a rock concert – from October 30, 2015, has been used for organizing street manifestations against “government corruption” and the responsibility for the tragedy. President participated in a street meeting demonstration, in fact he made a “bath of the crowd” in one of the demonstration evenings, proving himself an ardent supporter of the Government’s crisis idea. He has been also an initiator of a “crisis-solving” Government by appointing a technocratic government – supported by PNL, UDMR and UNPR –, after Victor Ponta’s resignation, and not agreeing to the proposal for a political prime minister made by the PSD, although the parliamentary majority had not changed. Otherwise, PSD voted alongside the opposition the technocratic government, except ALDE, contributing thus to an alleged “the transfer of legitimacy” to it. The members of the technocratic government were considered legitimate as representatives of „civil society”, of non-governmental organizations presented at the protests against the government, they being selected to talk with the President by President’s councillors. In November 2015, the president explained that the phrase – “my government” – he used at the beginning of the year concerning his desire to have a “government” only referred to the idea of an executive with whom he could work together to find the best solutions together, the best approaches, specifying that the relationship with the Government at that time was an institutional, normal one (D.G., 2015).

In 2016, the parliamentary elections, in which PSD won in a detached way, determinate for the first time in post-communist Romanian history a cohabitation between the incumbent president and the government of the opposite parliamentary majority. The President’s party, PNL, and the other parties with which PNL could have made coalitions of government have not received enough votes from the electorate. In these conditions, “President Iohannis found a way to hinder PSD’s efforts to dictate the formation of the post-election government” (Bucur, 2017). On one hand, President used as a legal ground to bar PSD’s leader Liviu Dragnea from becoming prime minister a 2001 law that forbids convicted persons to be appointed to government. So, on account of a two-year probation sentence for electoral fraud he received in 2015, Liviu Dragnea has remained outside the proposals for the prime minister post. Also, the President Iohannis rejected Sevil Shhaideh’s nomination for the PM post without motivating his decision and accepted the Social Democrats’ second proposal for prime minister only after the threats of the PSD-ALDE coalition to initiate the proceedings for the president’s impeachment (see Bucur, 2017).

Far from being managed like the *shared cohabitation* in France, the cohabitation in Romania illustrated till now not only lack of respect for the popular will and thus denial of the fundamental principle of democracy, but also indifference to the implications of obstructive or antagonistic behaviors: threats to political effectiveness, political instability, situations of stalemate policy, denial of the clear patterns of political identification and solidarity, antagonizing of the society. Likewise, the cohabitation in Romania, the refusal to cohabit and attendance to prevent the cohabitation have revealed the propensity of presidents to autocracy and authoritarianism and their large availability for the presidentialization of Romanian politics in all its three faces – the executive face, the party face, and the electoral face, according to Poguntke’s and Webb’s model of analysis. These mean the propensity to an increasing leadership power resources and

autonomy which provide “a larger sphere of action,” assures the presidential protection “from outside interference,” and “a growth of the zones of autonomous control” – government, justice, administration, fisk, audio-visual and media, intelligence. This oversized control may enable the *parceling* and *colonization* of the society by providing key positions in the state institutions to the “loyal supporters who show their gratitude,” the exercise of a subversive pressure on most key leaders of state institutions, the compromising and eliminating of the political rivals (Tănăsescu, 2016: 73-74). These all propensities may determine an undesirable undemocratic “considerable *autonomy* vis-à-vis the political parties in Parliament,” effectively ignoring of other political actors and overcoming of the potential resistance and even the likelihood of resistance (see Poguntke, Webb, 2005: 7).

References:

- Bucur, C. (2017). Romania – The politics of the fourth cohabitation. Site *Presidential Power*, Author Archives: Robert Elgie. Retrieved from: <http://presidential-power.com/?cat=13>.
- Chang, Ch.-H. (2014). Cohabitation in semi-presidential countries. *Social Sciences*, 3 (2), 31-43. Retrieved from: <http://www.sciencepublishinggroup.com/j/ss>.
- D. G. (2015), Klaus Iohannis explică expresia „Guvernul meu” [Klaus Iohannis explains the phrase “My Government”]. *antenna3.ro*, 16 noiembrie. Retrieved from: <https://www.antena3.ro/politica/klaus-iohannis-explica-expresia-guvernul-meu-324790.html>.
- Elgie, R. (2017 forthcoming). *Political Leadership: A Pragmatic Institutionalist Approach*. Retrieved from: <https://books.google.ro/books?isbn=1137346221>
- Elgie, R. (2012). The President of Ireland in Comparative Perspective. Retrieved from: <http://doras.dcu.ie/20743/>
- Elgie, R. (2011). The Perils of Semi-Presidentialism?. In Elgie, R., *Semi-Presidentialism: Sub-Types and Democratic Performance*, Oxford and New York: Oxford University Press, pp. 1-18.
- Elgie, R. (2010). Semi-presidentialism, Cohabitation and the Collapse of Electoral Democracies, 1990–2008. *Government and Opposition*, 45 (1), 29–49.
- Elgie, R., McMenamin, I. (2010). Explaining the Onset of Cohabitation Under Semi-Presidentialism. *Working Paper in International Studies*, Centre for International Studies, Dublin City University, 12, 1-28.
- European Commission for Democracy through Law (Venice Commission) (2012). *Constitutional Issues in Romania: Decisions, Rulings and Opinions of the Constitutional Court* (Translations from Romanian provided by the Romanian Authorities), Opinion 685/2012, Strasbourg, 5 September 2012. Retrieved from: [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF\(2012\)031-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2012)031-e)
- Linz, J. (1990). The Perils of Presidentialism. *Journal of Democracy*, I (1), Winter, 51-69.
- Pasquino, G. (2007). The advantages and disadvantages of semi-presidentialism. A West European perspective. In Elgie, R. and Moestrup, S. (editors), *Semi-presidentialism outside Europe. A comparative study*, New York and London: Routledge. Taylor & Francis Group, pp. 14-29.
- Poguntke, Th., Webb, P. (2005). The Presidentialization of Politics in Democratic Societies: A Framework for Analysis. In Poguntke, Th., Webb, P. (editors), *The*

Cohabitation as a Problem of the Romanian Semi-presidentialism

Presidentialization of Politics. A Comparative Study of Modern Democracies, New York: Oxford University Press, pp. 1-26.

- Protsyk, O. (2006). Intra-Executive Competition between President and Prime Minister: Patterns of Institutional Conflict and Cooperation under Semi-Presidentialism. *Political Studies*, 54, 219-244. Retrieved from: www.policy.hu/protsyk/.../PolStudiesIntraExConflict.pdf
- Romania's Constitution of 1991 with Amendments through 2003. Retrieved from: <https://www.constituteproject.org/constitution/R...>
- Romanian Parliament, Hotărârea nr. 33/2012 privind suspendarea din funcție a Președintelui României [Decision no. 33/2012 regarding the suspension from office of the President of Romania], 6 July 2012. Retrieved from: <https://lege5.ro/Gratuit/gmzdemjsg4/hotararea-nr-33-2012-privind-suspendarea-din-functie-a-presedi-ntelui-romaniei>
- Romanian Parliament, Solicitare privind suspendarea din funcție a Președintelui României, Traian Băsescu. Text integral [Request regarding the suspension from office of the President of Romania, Traian Băsescu. Full text], 4 July 2012, JURIDICE.ro. Retrieved from: <https://www.juridice.ro/208713/cerere-de-suspendare-a-presedintelui-romaniei-text-integral.html>
- Romanian Parliament, Hotărâre nr. 20 din 19 aprilie 2007 privind suspendarea din funcție a Președintelui României [Decision no. 20 of 19 April 2007 regarding the suspension of the President of Romania]. Retrieved from: <https://lege5.ro/Gratuit/geydmnrvgq/hotararea-nr-20-2007-privind-suspendarea-din-functie-a-prese-dintelui-romaniei>
- Romanian Parliament, Hotărârea nr. 4 din 2 martie 2007 privind constituirea unei comisii comune de anchetă ca urmare a propunerii de suspendare din funcție a Președintelui României [Decision no. 4 of 2 March 2007 on the establishment of a joint investigation commission following the proposal to suspend the President of Romania]. Retrieved from: <https://lege5.ro/Gratuit/geydmnrxgu/hotararea-nr-4-2007-privind-constituirea-unei-comisii-comune-de-ancheta-ca-urmare-a-propunerii-de-suspendare-din-functie-a-presedintelui-romaniei>
- Romanian Parliament, Ședința comună a Senatului și Camerei Deputaților din 28 februarie 2007 [Joint meeting of the Senate and the Chamber of Deputies of 28 February 2007]. Retrieved from: <https://www.senat.ro/pagini/stenograme/stenograme2007/steno%2028022007.htm>
- Romanian Parliament, Ședința Camerei Deputaților din 13 februarie 2007 [Meeting of the Chamber of Deputies of 13 February 2007]. Retrieved from: <http://www.cdep.ro/pls/steno/steno2015.sumar?ids=6236>
- Samuels, D., and Shugart, M. (2010). *Presidents, Parties, Prime Ministers: A Framework for Analysis*, Cambridge: Cambridge University Press.
- Samuels, D. J., Shugart, M. S. (2009). The 'Semi-presidential' model and its subtypes. Party presidentialization and the selection and de-selection of prime ministers. Congrès AFSP 2009, Section thématique 48; «Maurice Duverger aujourd'hui», Working paper. Retrieved from: www.congresafsp2009.fr/.../st48_samuelsshu...
- Sartori, G. (2008). Despre sistemul constituțional românesc [On the Romanian constitutional system, translation by Alexandru Gabor]. In Sartori, G., *Ingenieria constituțională comparată. Structuri, stimulente și rezultate* [Comparative Constitutional Engineering: Structures, Incentives and Outcomes]. Translation by Gabriela Tănăsescu and Irina Mihaela Stoica, preface to the Romanian edition by Gheorghe Lencan Stoica, Iași: Institutul European, pp. 313-319.

- Sartori, G. (1994). *Comparative Constitutional Engineering: An Inquiry into Structures, Incentives and Outcomes*, Houndmills, Basingstoke, Hampshire and London: Macmillan.
- Sedelius, Th., and Mashtaler, O. (2013). Two decades of semi-presidentialism: issues of intra-executive conflict in Central and Eastern Europe 1991–2011. *East European Politics*, 29 (2), 109–134.
- Shugart, M. S. (2005). Semi-Presidential Systems: Dual Executive and Mixed Authority Patterns. *French Politics*, 3 (3), 323-351.
- Skach, C. (2007). The “newest” separation of powers: Semipresidentialism. *I•CON*, 5 (1), 93-121. Retrieved from: <http://icon.oxfordjournals.org>
- Skach, C. (2005). *Borrowing Constitutional Designs: Constitutional Law in Weimar Germany and the French Fifth Republic*, Princeton and Oxford: Princeton University Press.
- Stan, A. (2009). Conflictul dintre președinte și premier [Conflict between president and prime minister]. *Sfera politică* [Sphere of Policy], XVII (139) September, 37-43.
- Tănăsescu, G. (2016). Romania and the European Semi-Presidentialisms. *Romanian Review of Political Sciences and International Relations*, XIII (2), 143–160. Retrieved from: <http://journal.ispri.ro/?p=756>
- Tănăsescu, G. (2015). *Semiprezidențialismul din România. Considerații actuale* [Semipresidentialism in Romania. Current considerations], Bucharest: Editura Institutului de Științe Politice și Relații Internaționale [Institute of Political Sciences and International Relations Publishing House].
- Tsai, J.-h. (2012). Cohabitation and Political Wrestling between President and Prime Minister in Semi-presidentialism. Reshaping Power, Shifting Boundaries, IPSA World Congress, Online Paper room, 1-23. Retrieved from: https://www.researchgate.net/.../45676584_Explaining_the_Onset_of_Cohabitation_und....

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